

EXHIBIT 1. JUNE 9, 2022, FOIA REQUEST

From: Kimberly Hermann
Sent: Thursday, June 9, 2022 10:18 AM
To: Presidential Materials Division <Presidential.Materials@nara.gov>; foia@nara.gov
Cc: Cece O'Leary <coleary@southeasternlegal.org>
Subject: FOIA Request

Dear FOIA Officer:

This email constitutes a request under the federal Freedom of Information Act ("FOIA"), 5 U.S.C. § 552.

Request

This email constitutes a request under the federal Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. Pursuant to the FOIA, I am seeking copies of all emails President Joe Biden preserved through the National Archives and Records Administration from his time as vice president for the following email addresses: robinware456@gmail.com, JRBWare@gmail.com and Robert.L.Peters@pci.gov. Stories in JustTheNews.com and the New York Post as well as a letter from Sens. Ron Johnson and Chuck Grassley identify these three email addresses as having been used by Joe Biden when he was vice president to transmit to his son and receive from his vice presidential staff official government information. Some examples are attached.

As you know, government officials have an obligation to preserve all government records whether transmitted on official government email servers or private email accounts. This FOIA request copies of all emails to and from the above three emails addresses that are preserved or possessed by NARA as well as any correspondence between Joe Biden and/or his legal or government representatives concerning the use of these emails and preservation of records from them from Jan. 1, 2009 through present.

Fee Waiver Request

The Southeastern Legal Foundation is a 501 c 3 public interest law firm representing John Solomon, a full-time professional journalist employed by Just the News.com. As such we collectively request a public interest fee waiver. We are willing to pay up to \$100 to process my request. Please inform me if the fees will exceed that amount before proceeding.

Further, SLF makes this request for records pursuant to Freedom of Information Act, 5 U.S.C. § 552, *et seq.* Accordingly, pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), SLF requests that the agency furnish the records without charge. While a court is ultimately not required to defer to an agency's interpretation of the FOIA, in anticipation of a request for additional information, we have organized our fee waiver justification to coincide with the six factors listed in the 1987 fee waiver policy guide memorandum by then-Assistant Attorney General Stephen J. Markman to determine whether disclosure is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

Disclosure is in the public interest.

The first factor is satisfied because the subject of the request concerns identifiable operations or activities of then-vice president Joe Biden and his use of private emails to transmit to his son, Hunter Biden, official government information. We are requesting one email exchange. The communication between State Department official George Kent and U.S. Ambassador Marie Yovanovich most certainly involves a discreet and identifiable activity of the State Department.

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The second factor is satisfied because the requested records have significant informative value into the operations and activities of then-vice president Joe Biden and information he provided his son regarding official government business. . Two years after leaving office, Joe Biden couldn't resist the temptation to brag to an audience of foreign policy specialists about the time as vice president that he strong-armed Ukraine into firing its top prosecutor. His threat was so severe that Ukraine would have lost \$1 billion in U.S. loan guarantees sending Ukraine toward insolvency. So the question is – why? Why did Joe Biden demand the immediate firing of Prosecutor General Viktor Shokin? And what did the State Department know about Hunter Biden's dealings in Ukraine and Ukraine's investigations into those business dealings? The American public deserves answers.

The third factor is satisfied because the requested records will contribute to "public understanding" because SLF will disseminate the requested information to the largest audience possible by disseminating it through the following various mediums: 1) its publicly available website (www.sfliberty.org) which combined receive nearly one million hits per year; 2) its regular mailings (averaging one mailing per week for a total of approximately three million per year) to interested parties providing educational information on the operations and activities of the FBI; 3) its bi-annual or quarterly newsletters to interested parties, totaling approximately ten to twenty thousand per year, also providing educational information on the operations and activities of the FBI; 4) regular spots on a wide-variety of radio programs; 5) spots on television programs; 6) frequent op-eds that run in national newspapers; 7)

legislative testimony; 8) participation in legal and policy panels; and 9) SLF's various social media accounts. SLF's methods of dissemination, combined with its nearly 50-year reputation as one of the nation's leading constitutional public interest law firms and policy centers, supports granting SLF's fee waiver request.

The fourth factor is satisfied because the requested records with "significantly" contribute to the public understanding. As previously mentioned, the American public has a right to know and understand what information then-vice president Joe Biden provided to his son regarding government business.

No commercial interest.

Disclosure of the requested records is not in the commercial interest of SLF because the Foundation has absolutely no commercial or financial interest in the requested information, and would receive no pecuniary benefit from the information sought. SLF is a nonprofit public interest law firm and policy center specializing in the practice of constitutional law. Rather, the requested records are of great public interest.

Request for Expedited Processing

We also request that this FOIA be expedited under the law's compelling need provisions. As a journalist Mr. Solomon has been primarily engaged in disseminating information about the Russia collusion, Hunter Biden and Ukraine investigations conducted by the FBI, CIA and Congress and these documents provide compelling and urgent materials that will inform the public concerning actual or alleged federal government activity and possible wrongdoing. Additionally, Southeastern Legal Foundation has been seeking related records for years from the State Department. Given the State Department's continued delay and the public importance of this information, State Department should expedite this request.

Format of Production

Pursuant to 5 U.S.C. § 552(a)(3)(B), SLF requests that the production of any and all responsive records be made electronically. Please email any and all responsive records to khermann@southeasternlegal.org. SLF is willing to receive responsive records on a rolling basis, if needed, to expedite production and response. If this is not possible, please let us know with an explanation of the reason for any delay. If any or all of the production is refused based on some privilege or other legal ground, please set forth the legal basis for the denial so that SLF may properly address the denial.

If this request is denied in whole or part, please justify all such denials by reference to specific exemptions, and provide an explanation of why ODNI "reasonably foresees that disclosure would harm

an interest" protected by that exemption or why "disclosure is prohibited by law[.]" 5 U.S.C. § 552(a)(8). Please also ensure that all segregable portions of otherwise exempt material are released.

If you have any questions regarding this request, please feel free to contact me at 770-977-2131.

I look forward to your determination within 10 calendar days of this request, as required by law.

Thank you in advance for your assistance in this matter.

Kimberly Hermann

Kimberly S. Hermann

General Counsel

Southeastern Legal Foundation

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